

Senate Study Bill 1224 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act relating to matters under the purview of the
2 department of transportation, including the use of
3 information contained in electronic driver and nonoperator
4 identification records, the form of motor vehicle financial
5 liability coverage cards, grounds for disqualification of
6 commercial vehicle operators, provisions for the issuance
7 of temporary restricted licenses for persons convicted of
8 operating while intoxicated, county issuance of driver's
9 licenses, and the administration of highway contracts.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 65. Personal information contained on
4 electronic driver's license or nonoperator's identification
5 card records that is provided by the licensee or card holder to
6 the department of transportation for use by law enforcement,
7 first responders, emergency medical service providers, and
8 other medical personnel responding to or assisting with an
9 emergency.

10 Sec. 2. Section 321.20B, subsection 1, paragraph a, Code
11 2013, is amended to read as follows:

12 a. Notwithstanding chapter 321A, which requires certain
13 persons to maintain proof of financial responsibility, a
14 person shall not drive a motor vehicle on the highways of
15 this state unless financial liability coverage, as defined
16 in section 321.1, subsection 24B, is in effect for the motor
17 vehicle and unless the driver has in the motor vehicle the
18 proof of financial liability coverage card issued for the motor
19 vehicle, or if the vehicle is registered in another state,
20 other evidence that financial liability coverage is in effect
21 for the motor vehicle. A proof of financial liability coverage
22 card may be produced in paper or electronic format. Acceptable
23 electronic formats include electronic images displayed on a
24 cellular telephone or any other portable electronic device that
25 has a display screen with touch input or a miniature keyboard.

26 Sec. 3. Section 321.20B, subsection 2, paragraph a, Code
27 2013, is amended to read as follows:

28 a. An insurance company transacting business in this
29 state shall issue to its insured owners of motor vehicles
30 registered in this state a financial liability coverage card
31 for each motor vehicle insured. Each financial liability
32 coverage card shall identify the registration number or vehicle
33 identification number of the motor vehicle insured and shall
34 indicate the expiration date of the applicable insurance
35 coverage. The financial liability coverage card shall also

1 contain the name and address of the insurer or the name of the
2 insurer and the name and address of the insurance agency, the
3 name of the insured, and an emergency telephone number of the
4 insurer or emergency telephone number of the insurance agency.
5 An insurance company may issue a financial liability coverage
6 card in either paper format or, if requested by the insured,
7 electronic format.

8 Sec. 4. Section 321.208, subsection 6, unnumbered paragraph
9 1, Code 2013, is amended to read as follows:

10 A person is disqualified from operating a commercial motor
11 vehicle if the person receives convictions for committing
12 within any three-year period two or more of the following
13 offenses while operating a commercial motor vehicle, or
14 while operating a noncommercial motor vehicle and holding
15 a commercial driver's license if the convictions result in
16 the revocation, cancellation, or suspension of the person's
17 commercial driver's license or noncommercial motor vehicle
18 driving privileges:

19 Sec. 5. Section 321.208, subsection 6, Code 2013, is amended
20 by adding the following new paragraphs:

21 NEW PARAGRAPH. *i.* Violating a state or local law or
22 ordinance on motor vehicle traffic control prohibiting texting
23 while driving a commercial motor vehicle.

24 NEW PARAGRAPH. *j.* Violating a state or local law or
25 ordinance on motor vehicle traffic control restricting or
26 prohibiting the use of a hand-held mobile telephone while
27 driving a commercial motor vehicle.

28 Sec. 6. Section 321J.17, subsections 1 and 3, Code 2013, are
29 amended to read as follows:

30 1. If the department revokes a person's driver's license
31 or nonresident operating privilege under this chapter, the
32 department shall assess the person a civil penalty of two
33 hundred dollars. The money collected by the department under
34 this section shall be transmitted to the treasurer of state
35 who shall deposit one-half of the money in the separate fund

1 established in section 915.94 and one-half of the money in the
2 general fund of the state. A temporary restricted license
3 shall not be issued unless an ignition interlock device has
4 been installed pursuant to section 321J.4. ~~A driver's license~~
5 ~~or nonresident operating privilege shall not be reinstated~~
6 ~~unless proof of deinstallation of an ignition interlock device~~
7 ~~installed pursuant to section 321J.4 has been submitted to~~
8 ~~the department.~~ Except as provided in section 321.210B, a
9 temporary restricted license shall not be issued or a driver's
10 license or nonresident operating privilege reinstated until
11 the civil penalty has been paid. A person assessed a penalty
12 under this section may remit the civil penalty along with a
13 processing fee of five dollars to a county treasurer authorized
14 to issue driver's licenses under chapter 321M, or the civil
15 penalty may be paid directly to the department.

16 3. The department shall also require certification of
17 installation of an ignition interlock device of a type approved
18 by the commissioner of public safety on all motor vehicles
19 owned or operated by any person seeking reinstatement following
20 a second or subsequent revocation under section 321J.4, 321J.9,
21 or 321J.12, ~~unless such a person has previously received a~~
22 ~~temporary restricted license during the term of the revocation~~
23 ~~as authorized by this chapter.~~ The requirement for the
24 installation of an approved ignition interlock device shall be
25 for one year from the date of reinstatement unless a ~~different~~
26 longer time period is required by statute. The one-year
27 period a person is required to maintain an ignition interlock
28 device under this subsection shall be reduced by any period
29 of time the person held a valid temporary restricted license
30 during the revocation for the occurrence from which the arrest
31 arose. The person shall not operate any motor vehicle which
32 is not equipped with an approved ignition interlock device
33 during the period in which an ignition interlock device must be
34 maintained, and the department shall not grant reinstatement
35 unless the person certifies installation of an ignition

1 interlock device as required in this subsection.

2 Sec. 7. Section 321J.20, subsection 1, paragraph d, Code
3 2013, is amended to read as follows:

4 *d.* Following the applicable minimum period of ineligibility,
5 a temporary restricted license under this subsection shall
6 not be issued until the applicant installs an ignition
7 interlock device of a type approved by the commissioner of
8 public safety on all motor vehicles owned or operated by the
9 applicant in accordance with section 321J.2, 321J.4, 321J.9,
10 or 321J.12. Installation of an ignition interlock device
11 under this subsection shall be required for the period of time
12 for which the temporary restricted license is issued and for
13 such additional period of time following reinstatement as is
14 required under section 321J.17, subsection 3.

15 Sec. 8. Section 321J.20, subsection 2, Code 2013, is amended
16 to read as follows:

17 2. *a.* Notwithstanding section 321.560, the department may,
18 on application, and upon the expiration of the minimum period
19 of ineligibility for a temporary restricted license provided
20 for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a
21 temporary restricted license to a person whose noncommercial
22 driver's license has either been revoked under this chapter, or
23 revoked or suspended under chapter 321 solely for violations
24 of this chapter, or who has been determined to be a habitual
25 offender under chapter 321 based solely on violations of this
26 chapter or on violations listed in section 321.560, subsection
27 1, paragraph "b", and who is not eligible for a temporary
28 restricted license under subsection 1. However, the department
29 may not issue a temporary restricted license under this
30 subsection for a violation of section 321J.2A or to a person
31 under the age of twenty-one whose license is revoked under
32 section 321J.4, 321J.9, or 321J.12. A temporary restricted
33 license issued under this subsection may allow the person to
34 drive to and from the person's home and specified places at
35 specified times which can be verified by the department and

1 which are required by the person's full-time or part-time
2 employment; continuing education while enrolled in an
3 educational institution on a part-time or full-time basis and
4 while pursuing a course of study leading to a diploma, degree,
5 or other certification of successful educational completion; or
6 or substance abuse treatment.

7 ~~b. Notwithstanding paragraph "a", a temporary restricted~~
8 ~~license issued to a person whose noncommercial driver's license~~
9 ~~has been revoked under section 321J.4, subsection 2, section~~
10 ~~321J.9, subsection 1, paragraph "b", or section 321J.12,~~
11 ~~subsection 1, paragraph "b", shall provide for but not exceed~~
12 ~~the uses permitted by 23 U.S.C. § 164. This restriction~~
13 ~~applies only during the first three hundred sixty-five days of~~
14 ~~the person's revocation.~~

15 ~~c. b.~~ A temporary restricted license issued under this
16 subsection shall ~~be conditioned upon the installation of not~~
17 be issued until the applicant installs an approved ignition
18 interlock device on all motor vehicles owned or operated by
19 the person applicant. Installation of an ignition interlock
20 device under this subsection shall be required for the period
21 of time for which the temporary restricted license is issued,
22 and for such additional period of time following reinstatement
23 as is required under section 321J.17, subsection 3. However,
24 a person whose driver's license or nonresident operating
25 privilege has been revoked under section 321J.21 may apply to
26 the department for a temporary restricted license without the
27 requirement of an ignition interlock device if at least twelve
28 years have elapsed since the end of the underlying revocation
29 period for a violation of section 321J.2.

30 Sec. 9. Section 321M.9, subsection 4, Code 2013, is amended
31 by striking the subsection.

32 Sec. 10. REPEAL. 1984 Iowa Acts, chapter 1229, section 2,
33 is repealed.

EXPLANATION

34
35 This bill contains provisions relating to a variety of

1 matters administered by the department of transportation.

2 The bill amends Code section 22.7 to provide that personal
3 information contained on electronic driver's license or
4 nonoperator's identification card records that is provided by
5 the licensee or card holder for use by certain law enforcement
6 and medical personnel responding to or assisting with an
7 emergency constitutes a confidential record.

8 The bill provides that a proof of financial liability
9 coverage card required to be carried in a motor vehicle may
10 be produced in paper or electronic format. An electronic
11 image displayed on the screen of a cellular telephone or other
12 portable electronic device with a touch screen or miniature
13 keyboard is an acceptable electronic format. The bill allows
14 insurance companies to issue a financial liability coverage
15 card in paper format or, at the request of the insured, in
16 electronic format.

17 Under current law, a person is disqualified from operating
18 a commercial motor vehicle if the person has two or more
19 convictions within a three-year period for certain specified
20 offenses committed while operating a commercial motor vehicle,
21 or committed while operating a noncommercial motor vehicle and
22 holding a commercial driver's license if the convictions result
23 in a sanction of the person's driving privileges. Code section
24 321.208 is amended to add texting and using a hand-held mobile
25 telephone in violation of a state or local law while operating
26 a commercial motor vehicle to that list of specified offenses.

27 Under current law, a person whose driver's license is
28 revoked upon conviction of a second offense of operating while
29 intoxicated may apply for a temporary restricted license 45
30 days after the effective date of revocation if the person
31 submitted to chemical testing, and 90 days after revocation
32 if the person refused testing. The issuance of a temporary
33 restricted license is conditioned upon the installation of
34 an ignition interlock device on all motor vehicles owned
35 or operated by the person. At the end of the period of

1 revocation, an ignition interlock device is required for a
2 period of one year, unless a different period is required
3 by statute; however, an ignition interlock device is not
4 required for reinstatement if the person had a temporary
5 restricted license during the revocation period. The bill
6 amends Code sections 321J.17 and 321J.20 to provide that a
7 person is required to maintain an ignition interlock device
8 for one year or longer following reinstatement. The one-year
9 period is reduced by any period of time the person held a
10 valid temporary restricted license during the revocation
11 for the occurrence from which the arrest arose. A person
12 is prohibited from operating any motor vehicle not equipped
13 with an ignition interlock device during the period in which
14 a device is required to be maintained, and a person must
15 certify installation of an ignition interlock device before
16 the department can grant reinstatement. The bill also strikes
17 a provision in current law that ties the permissible use of
18 certain temporary restricted licenses to uses permitted under
19 federal law. Finally, the bill strikes the current requirement
20 that a person who was issued a temporary restricted license
21 must submit proof of deinstallation of an ignition interlock
22 device as a condition for reinstatement of a full driver's
23 license.

24 The bill strikes a provision in Code section 321M.9
25 requiring the auditor of state to conduct periodic studies of
26 the county driver's license issuance program.

27 The bill repeals a provision in 1984 Acts, chapter 1229,
28 that linked the contingent repeal of Code section 314.14, as it
29 existed at that time, to the repeal or expiration of a federal
30 statute relating to set-aside contracts for disadvantaged
31 business enterprises. Due to subsequent substantive amendments
32 to the Code section, the contingent repeal provision is no
33 longer relevant.